195/ K **File No.** C/Transmission Cy Post/51

Legal Deptt
Cy **BRANCH**

Subject:— Opinions on the
Cotton Cloth & Yarn (Transmission
Cy Post) Order 1946

Cpl 1/(E)

File No. C/Transmission/51
Cy Post

Gen. 194 e.

28/51

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5 Copies.

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Legal Department.

Please see Provincial Textile Controller's office note at pp. 37-38 ante.

Please also see the copy of the confiscation order at page 33. The reference by the police in their application to the Presidency Magistrate to clause 11 of the Cotton Cloth and Yarn (Transmission by Post) Control Order, 1946, does not seem to be correct; it should have been to clause 6 of the Cotton Cloth and Yarn (Transmission by Post) Prohibition Order, 1946, which provides that any m court trying a contravention of clause 3 of the order may without prejudice to any other sentence which it may pass, direct that any postal article in respect of which it is satisfied that clause 3 has been contravened shall be forfeited to Government. In this case there was no trace of the accused-consignor and therefore the court confiscated the post parcel. This shows that even though the trial was not held, the court was satisfied that ~~xxxxx~~ clause 3 was contravened. The order being a judicial order, cannot be interfered with by Government.

Sd/-

Additional Secretary to Government.

EVY. 26/7.